

## REMARKS

Currently Claims 20-50 are pending, with Claims 1-19 having been previously cancelled. The above amendment cancels Claims 21, 23, 24, 40, 42 and 43, and amends others of the claims, in accordance with Applicants' response to the restriction and election requirements discussed below. Applicants also submit an amendment to the specification to correct several typographical errors.

### Response to Restriction Requirement

The Action of September 5, 2003 set forth a nine-way restriction requirement, based on the particular type of a soluble receptor(s) used in the claimed methods and compositions.

#### a. Election with Partial Traverse

In response to this requirement, Applicants initially elect the invention of Group II, directed to the use of chimeric rhTNFR:Fc, inclusive of Claims 20-22, 25-41 and 44-50. However, as discussed with the Examiner by telephone on October 6, 2003, whose time was greatly appreciated, this election is made with traverse in part. First, it is noted respectfully that the restriction requirement did not include a group for claims to a method and composition of using Human Type II IL-1R (Claims 20-22, 25-41 and 44-50 in part), and it is understood from the conversation with the Examiner that this was an unintended oversight.

#### b. Alternate Proposed Invention Grouping and Election

Moreover, Applicants also traverse because it is suggested that the restriction requirement set forth in the Office Action is not warranted in full. Applicants propose that a more suitable invention grouping would be along the lines of the following classes of soluble receptors, as were previously recited in Claims 21 and 40:

- (I) tumor necrosis factor (TNF) soluble receptors;
- (II) interleukin-1 (IL-1) cytokine soluble receptors;

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- (III) class I cytokine soluble receptors; and
- (IV) soluble receptor tyrosine kinases.

Each of these proposed classes is well characterized and described in the specification at pages 79-80 (TNF soluble receptors), pages 81-82 (IL-1 cytokine soluble receptors), 82-85 (Class I cytokine soluble receptors) and page 85-89 (soluble receptor tyrosine kinases). It is respectfully submitted that this is a logical and searchable grouping of inventions.

Assuming the Examiner accepts the grouping proposed above, as indicated by the Examiner in a telephone call of November 7, 2003, Applicants elect the invention of proposed Group I (TNF soluble receptors) for initial examination, without traverse. Based on this election, Applicants have amended the claims above to limit them to the elected proposed group.

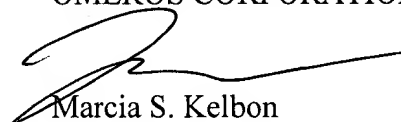
Response to Election Requirement

The Office Action also imposed an election of species requirement, requiring selection of an additional pain/inflammation inhibitory agent from those listed in dependent Claim 37 (and it is noted also listed in Claim 47). Applicants elect the following species, without traverse: cyclooxygenase inhibitors. Applicants note that the inclusion of an additional agent is only required in Claims 25, 35-38, 44-48 and 50, and also acknowledge as noted by the Examiner that all claims are currently generic.

The Examiner is invited to telephone the undersigned attorney should there be any question regarding the above response and amendment.

Respectfully Submitted,

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Date

11/20/03

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